IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2415 of 2007

SONA RAM & ORS.
V/S
STATE & ORS.

Mr. VK SHARMA, for the appellant / petitioner

Date of Order : 24.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order Annexure 12, the SDO has only directed that till disposal of the appeal, the allotment in favour of the petitioner should not be restored. The controversy according to the petitioner is that the petitioner was allotted land in the year 1976, and since the installments could not be paid, the allotment was cancelled on 26.3.87.

Thereafter, the petitioner filed the application before the Collector on 9.2.07, giving out that the petitioner is prepared to deposit all the outstanding installments in one go and, therefore, the allotment be restored.

Thereupon, the report was obtained, and it was reported that after cancellation, the land happened to be recorded in the khata of one Baldev Singh, for which Sanad had already been issued on 15.5.98. However, that allotment was found to be wrong and was ordered to be cancelled vide order dated 21.11.01, which matter is pending in appeal before the Collector, Sriganganagar, and Laxmi Devi has also filed a civil suit against Baldev Singh in the Court of Civil Judge (Senior Division), Anoopgarh, which is also pending.

It is in these circumstances, noticing these facts, that the appeal and civil suit are pending, it has been ordered that in that view of the matter, it would not be appropriate to restore the allotment to the petitioner till those litigations are decided.

In my view the order, in the totality of the circumstances, the impugned order is imminently just and proper and does not require any interference in my writ jurisdiction. The writ petition, therefore, is dismissed summarily.

(N P GUPTA),J.

/anil/